

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION – DETROIT**

IN THE MATTER OF:

MINERVA G ATIENZA,

DEBTOR.

CHAPTER 13

CASE NO. 08-58867-PJS

JUDGE PHILLIP J. SHEFFERLY

**TRUSTEE’S OBJECTION TO THE PROOF OF CLAIM OF
AMERICAN GENERAL FINANCE (PACER CLAIM NO. 13-1)**

NOW COMES the Chapter 13 Standing Trustee in this matter, David Wm. Ruskin, and objects to the Proof of Claim filed by American General Finance (PACER Claim No. 13-1), and in support thereof states as follows:

1. The proof of claim filed on behalf of American General Finance (PACER Claim No. 13-1), fails to attach **any** supporting documentation of its claim in contravention of F.R.Bankr.P. 3001(c) and/or (d).

2. The proof of claim filed on behalf of American General Finance (PACER Claim No. 13-1), asserts that the claim is secured, but fails to attach proof that its security interest has been perfected in contravention of F.R.Bankr.P. 3001(d).

WHEREFORE, the Chapter 13 Standing Trustee prays that this Honorable Court disallow the Proof of Claim filed on behalf of American General Finance (PACER Claim No. 13-1) on December 15, 2008 in its entirety, and grant any further and other relief as this Court deems equitable and just, including entering an Order absolving the Trustee from any duty to recoup disbursements previously made to American General Finance.

OFFICE OF THE CHAPTER 13 STANDING TRUSTEE-DETROIT
David Wm. Ruskin, Chapter 13 Standing Trustee

Dated: February 27, 2009

/s/ Lisa K. Mullen
DAVID WM. RUSKIN (P26803)
LISA K. MULLEN (P55478)
THOMAS D. DECARLO (P65330)
1100 Travelers Tower
26555 Evergreen Road
Southfield, MI 48076-4251
Telephone (248) 352-7755

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(PROPOSED)

**ORDER DISALLOWING THE PROOF OF CLAIM OF
AMERICAN GENERAL FINANCE (PACER CLAIM NO. 13-1)**

This matter came on for hearing upon the Objection to Proof of Claim filed by the Chapter 13 Standing Trustee pursuant to L.B.R. 3007-1 (E.D.M.), the Objection having been served with the Notice of Objection to Claim in accordance with the local bankruptcy rules, the requisite time for a response having passed, no response to the Objection having been timely filed and served, and the Court being otherwise sufficiently advised in the premises;

IT IS HEREBY ORDERED that the Proof of Claim filed on behalf of American General Finance (PACER Claim No. 13-1) on December 15, 2008 in the amount of \$2,745.95 is disallowed;

IT IS HEREBY FURTHER ORDERED that to the extent that the Chapter 13 Standing Trustee has previously made disbursements to such Creditor, the Trustee shall not be obligated to recoup the same.

EXHIBIT 1

UNITED STATES BANKRUPTCY COURT
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**NOTICE OF OBJECTION TO CLAIM OF AMERICAN GENERAL FINANCE (PACER CLAIM
NO. 13-1)**

The Chapter 13 Standing Trustee has filed an objection to your claim in this bankruptcy case.

Your claim may be reduced, modified, or eliminated. You should read these papers carefully and discuss them with your attorney, if you have one.

If you do not want the court to deny or change your claim, then on or before April 18, 2009, you or your lawyer must:

1. File with the court a written response to the objection, explaining your position, at:

U.S. Bankruptcy Court
211 W. Fort Street, Suite 2100
Detroit, MI 48226

If you mail your response to the court for filing, you must mail it early enough so that the court will **receive** it on or before the date stated above.

You must also mail a copy to:

Acclaim Legal Services, 17117 W Nine Mile Rd #925, Southfield, MI 48075-0000
David Wm. Ruskin, 26555 Evergreen Rd., Ste 1100, Southfield, MI 48076
American General Finance P.O. Box 971, Evansville, In 47706-0971

2. Attend the hearing on the objection, scheduled to be held on April 28, 2009, 2009 at 11:00 a.m., in Courtroom 1975, United States Bankruptcy Court, 211 W. Fort Street, Detroit, Michigan, unless your attendance is excused by mutual agreement between yourself and the objector's attorney. (Unless the matter is disposed of summarily as a matter of law, the hearing shall be a pre-trial conference only; neither testimony nor evidence will be received. A pre-trial scheduling order may be issued as a result of the pre-trial conference.)

If you or your attorney do not take these steps, the court may decide that you do not oppose the objection to your claim, in which event the hearing will be canceled, and the objection sustained.

OFFICE OF THE CHAPTER 13 STANDING TRUSTEE-DETROIT
David Wm. Ruskin, Chapter 13 Standing Trustee

Dated: February 27, 2009

/s/ Lisa K. Mullen
DAVID WM. RUSKIN (P26803)
LISA K. MULLEN (P55478)
THOMAS D. DECARLO (P65330)
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**CERTIFICATE OF SERVICE OF TRUSTEE'S OBJECTION TO THE PROOF OF
CLAIM OF AMERICAN GENERAL FINANCE (PACER CLAIM NO. 13-1)**

I hereby certify that on February 27, 2009, I electronically filed the Trustee's Objection to the Proof of Claim of American General Finance (PACER Claim No. 13-1) With (Proposed) Order Disallowing the Proof of Claim of American General Finance (PACER Claim No. 13-1), Notice of Objection to Claim of American General Finance (PACER Claim No. 13-1) and Certificate of Service with the Clerk of the Court using the ECF system which will send notification of such filing to the following:

The following parties were served electronically:

ACCLAIM LEGAL SERVICES
17117 W NINE MILE RD #925
SOUTHFIELD, MI 48075-0000

The following parties were served via First Class Mail at the addresses below by depositing same in a United States Postal Box with the lawful amount of postage affixed thereto:

MINERVA G ATIENZA
8401 18-MILE ROAD; UNIT #24
STERLING HEIGHTS, MI 48313-0000

AMERICAN GENERAL FINANCE
P.O. BOX 971
EVANSVILLE, IN 47706-0971

_____/s/ Colleen E. Gallagher_____
Colleen E. Gallagher
For the Office of the Chapter 13 Standing Trustee-Detroit
1100 Travelers Tower
26555 Evergreen Road
Southfield, MI 48076-4251
(248) 352-7755